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(Lt Col Jena Rueth)
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This directive specifies policies which govern how Air Force operations comply with international law.

SUMMARY OF REVISIONS

This policy directive revises the initial publication of AFD 51-7 by deleting the required metric pertaining to the percentage of detained Air Force personnel who are not placed in pretrial confinement overseas, removing the list of Designated Commanding Officers (DCO) for foreign tax relief, and eliminating the definitional section. Complete definitions of the terms used in this policy directive are found in the specific instructions implementing the directive.

Section A—Negotiating, Concluding, Reporting, and Maintaining International Agreements

1. Air Force operations often cross national boundaries and therefore must comply with international law while protecting and defending US Air Force interests and people. See **Attachment 1** for compliance measure for this policy.
2. Air Force personnel, or those serving with the Air Force, may initiate, negotiate, and conclude international agreements only with the prior written approval of one of the following:
 - 2.1. The Secretary of the Air Force, or authorized representative.
 - 2.2. The head of another organizational element of the Department of Defense (DoD), who has authority delegated with respect to the particular type of international agreement involved under DoD Directive 5530.3, *International Agreements*, June 11, 1987, and Change 1, when Air Force personnel are performing duty outside the normal Air Force chain of command.
 - 2.3. The head of an organizational element of the Air Force, or designee, who has proper delegated authority.
3. Following are responsibilities and authorities:

3.1. Each Air Force organizational element that concludes an international agreement will submit copies to the Department of State (DOS), DoD General Counsel (DoD/GC), SAF/GC, and HQ USAF/JA. Original or certified copies of agreements must arrive at DOS within 20 calendar days after the date they are signed.

3.2. Air Force personnel will try informally to settle questions about a party's compliance with the terms of an international agreement. They will forward unresolved questions to SAF/GC, with a copy to HQ USAF/JA. Unless previously authorized by the Secretary of Defense, they will not try to handle questions relating to policy (see AFI 51-701, *Negotiating, Concluding, Reporting and Maintaining International Agreements*) before getting written concurrence from the Under Secretary of Defense for Policy and DoD/GC.

4. This section implements DoD Directive 5530.3 and the *Case-Zablocki Act* (Title 1, United States Code, Section 112b).

5. Related instructions are in AFI 51-701.

Section B—Foreign Tax Relief

6. The Air Force will obtain, to the maximum extent practicable, effective relief from foreign taxes whenever the ultimate economic burden of those taxes will be paid with funds appropriated or available to the Air Force. Such funds may include appropriations for military assistance or money controlled by non-appropriated fund activities.

7. The following responsibilities and authorities are established:

7.1. As the cognizant office for foreign tax matters, HQ USAF/JA will supervise and monitor the Air Force's program for foreign tax relief. HQ USAF/JA will submit foreign tax matters of major importance to SAF/GC for action.

7.2. Designating Commanding Officers (DCO) will handle tax matters in each foreign country where the Air Force spends money for the common defense of that country.

7.3. In countries where the commander of an Air Force unit or organization is not the DCO for tax matters, the appropriate Air Force overseas major command (MAJCOM) commander will appoint an Air Force Liaison Officer for Tax Matters.

8. This section implements DoD Directive 5100.64, *DoD Foreign Tax Relief Program*, June 12, 1979.

9. Related instructions are in AFI 51-702, *Foreign Tax Relief*.

Section C—Pretrial Custody Overseas

10. The Air Force will seek the release from foreign custody of all Air Force personnel charged with criminal offenses under foreign law.

11. The following responsibilities and authorities are established:

11.1. Air Force commanders will have procedures to ensure that Air Force people subject to foreign court jurisdiction do not leave the country until final disposition of the charges. Commanders may allow departures only if the host country's approved practices and procedures allow it, or if the departure is approved by HQ USAF/JA and either the designated country officer or country representative.

11.2. Local staff judge advocates (SJA) will promptly notify Air Force members facing criminal charges in a foreign country of their right to a military legal advisor (MLA). The SJA will appoint a judge advocate as the MLA if a member asks for one.

12. This section implements DoD Directive 5525.1, *Status of Forces Policies and Information*, August 7, 1979, and Change 1.

13. Related instructions are in AFI 51-703, *Foreign Criminal Jurisdiction* (formerly AFR 110-25 and AFR 110-28) and AFR 110-12, *Status of Forces Policies, Procedures, and Information*, January 14, 1990 (**Joint Departmental Publication [JDP]**).

Section D—Requests for Political Asylum or Temporary Refuge

14. Foreign nationals within US territorial jurisdiction or on the high seas who request political asylum will be given a full opportunity to have their request considered on its merits. Persons seeking political asylum will receive every reasonable care and protection available under the circumstances.

15. The following responsibilities and authorities are established:

15.1. Air Force personnel will receive applicants for political asylum in a DoD facility or onboard a military vessel or aircraft. They will not turn applicants over against their will to foreign authorities until their request is properly considered and directions are received from the Secretary of the Air Force or the Director of the Defense agency concerned.

15.2. No Air Force personnel may grant an applicant political asylum in a DoD component's facilities or onboard any military aircraft or vessel within a foreign country's territorial jurisdiction. Anyone receiving this kind of request must immediately notify the US Embassy.

15.3. Air Force personnel in a foreign country may grant temporary refuge to nationals of that country, to nationals of a third state, or to anyone on the high seas, if a foreign national appears to need protection from imminent danger to life or safety. They may not grant refuge to persons fleeing pursuit by duly constituted law-enforcement authorities of the foreign country. Anyone receiving this kind of request must immediately notify the US Embassy.

15.4. The senior official at the DoD facility or onboard a military aircraft or vessel may grant temporary refuge upon request of the foreign national. That refuge will end only when directed by higher authority through the Secretary of the Air Force.

15.5. No one will release information concerning a request for political asylum or temporary refuge to the public or the media without approval by the Assistant Secretary of Defense for Public Affairs.

16. This section does not apply to prisoners of war or members of an enemy force during an armed conflict.

17. This section implements DoD Directive 2000.11, *Procedures for Handling Requests for Political Asylum and Temporary Refuge*, March 3, 1972, and Change 1.

18. Related instructions are in AFI 51-704, *Procedures for Handling Requests for Political Asylum and Temporary Refuge*.

Section E—Assistance to Friendly Foreign Forces

19. The Air Force will provide assistance to friendly foreign forces (FFF) in the United States who, based on a Presidential finding or declaration, are specifically granted the powers and privileges prescribed in Title 22, United States Code, Sections 701 through 706. To date only one nation, Australia, has been so designated (Presidential Proclamation No. 3681, October 10, 1965).

20. Parties to the North Atlantic Treaty Organization (NATO) Status of Forces Agreement are authorized to exercise service court jurisdiction in the United States under the provisions of Article VII of that treaty.

21. The following responsibilities and authorities are established:

21.1. HQ USAF/JA oversees this policy. MAJCOM SJAs set up appropriate channels and procedures for receiving and forwarding requests and help FFF contact authorities of the United States. They also ensure policies and procedures are uniform among installations of their respective commands.

22. This section implements DoD Directive 5525.3, *Jurisdiction Service Courts of Friendly Foreign Forces in the United States*, August 18, 1966.

23. Related instructions are in AFI 51-705, *Jurisdiction of Service Courts of Friendly Foreign Forces in the United States* and AFR 110-13, *Consular Protection of Foreign Nationals Subject to the Uniform Code of military Justice*, November 5, 1968 (JDP).

NOLAN SKLUTE, Maj General, USAF
The Judge Advocate General

Attachment 1

MEASURING COMPLIANCE WITH POLICY

A1.1. Once each calendar year, HQ USAF/JA will measure the success of the policy to send copies of all Air Force international agreements so they arrive at DOS, DoD/GC, and HQ USAF/JA within 20 calendar days after signature.

A1.2. HQ USAF/JA will count from the signature date to the date of receipt in their office in order to determine if the agreement arrived within 20 calendar days.

A1.3. HQ USAF/JA will chart the percentage of Air Force agreements received not later than 20 calendar days after signature, with 1995 serving as the baseline year (**Figure A1.1.**). The goal is a trend toward 100 percent.

Figure A1.1. Sample Metric of Agreements Received on Time.

